IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Applicant: | Robert Bristol et al. | Art Unit: | 1756 |
| Serial No.: | 10/679,816 | Examiner: | Kathleen Duda |
| Filed: | October 6, 2003 | Atty Docket: | ITL.1023US<br>P16710 |
| For: | Enhancing Photoresist Performance Using Electric Fields | Assignee: | Intel Corporation |

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.181**

Sir:

The Applicant hereby petitions from the entry of the final rejection in this case on the grounds that the final rejection is premature and that, in fact, a complete rejection has never been set forth.

In response to the initial rejection, that simply treated all the independent and dependent claims as a group, the Applicant pointed out that it was necessary for the Examiner to provide a rejection with respect to each of the dependent claims.

In response, the Examiner issued a final rejection providing some cursory statements with respect to some, but not all, dependent claims. Thus, some claims are rejected with no explanation whatsoever. As such, the rejection is defective on its face.

Moreover, the issuance of a final rejection without ever providing a basis for the rejection of the claims prior to the final rejection (or even more poignantly, with the final rejection) is improper.

Date of Deposit: November 3, 2006
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Some of the rejections are transparently improper on their face. For example, one claim is rejected under Section 102 as being taught by a reference and well known prior art. The combination of the Section 102 rejection, together with the alleged well known prior art, would have to be a Section 103 rejection. To the extent it is necessary, in the face of such an obviously defective rejection, to challenge the holding of well known art, the Applicant hereby does so.

On October 23, 2006, the undersigned called the Examiner and left a message questioning the completeness of the rejection. The Examiner responded the same day, indicated that both the Examiner and her supervisor had reviewed the matter, and felt that the appropriate thing to do was simply to provide a response pointing out why the claims patentably distinguished over the reference. Of course, this approach puts the shoe on the wrong foot. Until a rejection is set forth, there is no requirement to rebut it. Namely, until the Examiner points out where in the reference the elements might be shown, there is no requirement for the Applicant to simply make a response.

Therefore, it is respectfully submitted that the final rejection should be withdrawn and that a rejection addressing each and every element in the claims and each and every claim be set out.

Respectfully submitted,

Date: November 1, 2006

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